

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-7 are in the application.


The Examiner rejected claims 1-3, 5 and 7 under 35 U.S.C. §103 as being unpatentable over *Shimizu et al.* in view of *Shirmohamadi*. Claim 4 is rejected over *Shimizu* in view of *Shirmohamadi* and further in view of *Garris*. Claim 6 is rejected over *Shimizu et al.* in view of *Shirmohamadi* and further in view of *Garvey et al.* Applicants respectfully traverse.

Applicants have amended claim 1 to recite that the water outlet for the mixed water and the setting element are arranged at opposite sides of the setting body facing in opposite directions. Support for this amendment can be found in the specification on page 16, first paragraph, and in FIG. 2. This feature provides for a very compact device. These features also have the advantage of making the device useful and determined for mounting under plaster, because the setting element is easily reachable for demounting and service of the device.

This feature is not taught or disclosed by any of the cited references. In all of the references, the water outlet and the setting element/motor are all arranged on the same side, or at 90 degrees to each other on the setting body.

Accordingly, Applicants submit that claims 1-7 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
VOLKER WACK ET AL. - 2 (CONT)



Elizabeth C. Richter, Reg.No.35,103
Allison C. Collard, Reg.No.22,532
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR:djp

CERTIFICATE OF FACSIMILE TRANSMISSION

Fax No. 571-273-8300

I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 14, 2005.


Elizabeth Collard Richter